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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,884	02/11/2004	Jack J. Reilly	IR3709 NP	3393

31684 7590 09/22/2006

ARKEMA INC.  
PATENT DEPARTMENT - 26TH FLOOR  
2000 MARKET STREET  
PHILADELPHIA, PA 19103-3222

EXAMINER
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FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/776,884

Applicant(s)

REILLY ET AL.

Examiner

Lawrence D. Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment mailed June 29, 2006.

Claims 31 was cancelled rendering claims 1-30 pending in this case.

### *Claim Rejections – 35 USC § 102(b)*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 12-13, 18-19, 21 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al. (U.S. 6,103,345).

Oshima discloses a decorative sheet with color tone or colors varying with the angle of observation, where the sheet is transparent and has color-coded discontinuous parallel striped patterns on its front and rear surfaces and the color tone of the sheet continuously varies with the passage of light (column 1, lines 34-67 and Figures 9 and 11). Oshima further discloses a pattern may be formed on at least one of the front and rear surfaces of the sheet (column 2, lines 6-8) where an adhesive layer may be provide on either one of the front or rear surfaces of the sheet body and is adhered to a window (column 2, lines 32-42 and column 6, lines 12-16). The sheet is prepared by employing an acrylic sheet (column 5, lines 1-2).

***Claim Rejections – 35 USC § 103(a)***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11, 14-17, 20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (U.S. 6,103,345) in view of Lecoeur et al (U.S. 3,940,523).

Oshima is relied upon for claim 1. Oshima does not disclose the article being made of two or more layers of acrylic polymer, which further comprises polymethyl methacrylate. Lecoeur teaches a multilayer structure made of acrylic glass panels, which comprise methyl methacrylate, where the adjacent polymethyl methacrylate areas are differently colored (column 1, lines 8-20 and column 2, lines 20-25). Because the polymethyl methacrylate layers are adjacent to one another and comprise the same material that is claimed, it is expected for the layers to have indices of refraction that are substantially the same and have an indices of refraction that is greater than air. Oshima and Lecoeur are both directed to multilayered colored articles. It would have been obvious to one of ordinary skill in the art to have employed the methyl methacrylate glass panels, as taught in Lecoeur, in the colored article of Oshima To provide successive layers with corresponding coloring effects (column 1, lines

28-31).

Neither reference shows that the colored article has a indices of refraction value as in instant claims 17, 22, 23, 24 or 26. However, such features are properties which can be easily determined by one of ordinary skill in the art. With regard to the limitation of the indices of refraction value(s), absent a showing of unexpected results, it is obvious to modify the conditions of a composition because they are merely the result of routine experimentation. The experimental modification of prior art in order to optimize operation conditions (e.g. indices of refraction value(s)) fails to render claims patentable in the absence of unexpected results. The aforementioned limitations are optimizable as they directly affect the reflectivity of the article. It would have been obvious to one of ordinary skill in the art to make the colored article with the limitations of the indices of refraction value(s) since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 USPQ 215 (CCPA 1980). In instant claim 20, the phrase, "produced by coextrusion or fusion bonding of layers" introduces a process limitation to the product claim. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966. Further, process limitations are given no patentable weight in product claims.

***Response to Arguments***

4. Applicant's remarks to the rejection made under 35 U.S.C. 102(b) as being anticipated by Oshima et al. (U.S. 6,103,345) have been considered but are unpersuasive. Applicant argues the reference fails to teach an article comprising two layers, that when viewed along an exposed light transmitting edge appears different than its principal color. Examiner respectfully disagrees with this argument because Oshima discloses a decorative sheet with color tone or colors varying with the angle of observation, where the sheet has a transparent sheet (1) with parallel striped patterns on its front and rear surfaces and a printed opaque sheet (7) with parallel striped patterns on its front and rear surfaces, that when viewed along an exposed light transmitting edge appears different than its principal color (column 1, lines 34-67; column 7, lines 11-17 and Figures 9 and 11). Applicant further argues the surface effect of Oshima does not anticipate an edge effect as claimed. Oshima teaches the color tone or colors vary with the angle of observation (column 1, lines 35-60) which examiner interprets as being varied along its surface and/or edge, depending on the angle of observation the viewer chooses.

Applicant's remarks to the rejection made under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (U.S. 6,103,345) in view of Lecoeur et al (U.S. 3,940,523) have been considered but are unpersuasive. Applicant fails to argue why the combination of Oshima in view of Lecoeur is not obvious over the instant claims; therefore, the rejection is maintained for reasons of record.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Conclusion***

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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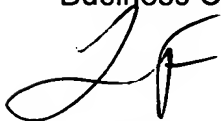
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



L. Ferguson  
Patent Examiner  
AU 1774



RENA DYE  
SUPERVISORY PATENT EXAMINER

A.U. 1774 9/15/07